APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/672,206	09/28/2000	Danny Raz	5	8786

			EXAMINER
46363	7590	08/10/2005	KANG, PAUL H

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ART UNIT	PAPER NUMBER
2141	

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	**Application No.** 09/672,206	**Applicant(s)** RAZ, DANNY
	Examiner Paul H. Kang	**Art Unit** 2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _12 May 2005_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-9_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) _1-6_ is/are allowed.

6)☒ Claim(s) _7-9_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _28 September 2000_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

U.S. Patent and Trademark Office

PTOL-326 (Rev. 1-04)   Office Action Summary   Part of Paper No./Mail Date 080805

DETAILED ACTION

Allowable Subject Matter

1.   Claims 1-6 are allowed.

2.   As to claims 1-6, the prior art of record teaches the invention substantially as claimed. Poletto teaches a system and method for thwarting coordinated SYN denial of service attacks (CSDos), wherein a predetermined fraction of SYN packets destined for a server is switched to a processor for analysis (paragraphs 0025-0031), establishing a TCP connection between the client and server, monitoring the timeout connections, wherein if the timeout connections exceeds a predetermined threshold, the connection is reset.

However, the prior art of record does not explicitly teach controlling a network switch to divert a predetermined fraction of SYN packets destined for a server, to a web guard processor, and if after monitoring the timed-out connections exceeds a predetermined threshold, controlling the switch to divert all SYN packets destined to said server to said web guard processor. The examiner finds applicants arguments presented in the response of September 2, 2004, page 3, line 6 – page 5, line 19 to be persuasive.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Poletto et al. (US Patent Application Publication No. 2002/0031134 and Poletto hereinafter) in view of Dacier et al., US Patent No. 6,487,204 B1.

4.   As per claim(s) 7 Poletto discloses the invention substantially as claimed. Poletto teaches arranging a switch receiving said SYN packets destined to said server to forward said SYN packets to a TCP proxy arranged to operate without an associated cache.

However, Poletto does not explicitly teach whereby said TCP proxy, when subject to a CSDOS attack, does not successfully establish a TCP connection with said malicious host, and no TCP connection is made from said TCP proxy to said server, thereby protecting said server from said attack. In the same field of endeavor, Dacier teaches a system and method wherein malicious attacks are detected wherein a connection is not established absent and acknowledgement packet (See Dacier, col. 1, lines 14-52). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the acknowledgment of Dacier into the system of Poletto for the purpose of protecting a network from malicious attacks.

5.   As per claim(s) 8, Poletto discloses forwarding a statistical sampling of packets from a switch in said network to a processor, if packets in said sampling indicate an attack, alerting the operation of said switch to reduce the effects of said attack, (See Paragraph 0042-0048).

However, does not explicitly teach if packets in said sampling indicate an attack against said server, altering the operation of said switch to forward all packets destined for said server to said processor. In the same field of endeavor, Dacier teaches a system and method for detecting attacks where upon detection all packets are forwarded (Dacier, col. 5, line 4 – col. 6, line 6). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the system of Dacier into the system of Poletto for the purpose of ensuring no malicious packets are allowed.

6.   As per claim(s) 9 Poletto-Dacier teach the claimed invention as described in claim(s) 8 above and furthermore discloses said switch is arranged to discard packets in the event an attack is detected, (See Poletto, Paragraph 0060-0062).

Response to Arguments

7.   Applicant's arguments with respect to claims 7-9 have been considered but are moot in view of the new ground(s) of rejection. The applicants argued in substance that the prior art of record fails to teach a SYN/ACK packet and

further does not forward all packets destined for said server to said processor. The new grounds of rejection teaches these features.
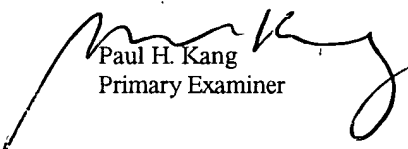
Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul H Kang whose telephone number is (571) 272-3882. The examiner can normally be reached on 9 hour flex. First Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Paul H. Kang
Primary Examiner